

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF OREGON

Michelle DERBY, as legal guardian for  
William Derby, an individual,

No. 3:21-cv-1030-HL

Plaintiff,

ORDER

v.

COLUMBIA COUNTY, an Oregon  
municipality; CORRECT CARE  
SOLUTIONS, LLC, d/b/a Wellpath, LLC;  
JEFFREY DICKERSON, in his official  
capacity; CHRIS HOOVER, in his official  
capacity; JUSTIN HECHT, in his official  
capacity; VIVIK SHAH, in his official  
capacity; JULIE WEIGAND, in her official  
capacity; NANCY RONAN, in her individual  
capacity; COLUMBIA COMMUNITY  
MENTAL HEALTH, an Oregon non-profit  
corporation; and KAREN FORTLANDER, in  
her official capacity,

Defendants.

HERNÁNDEZ, District Judge:

Magistrate Judge Hallman issued a Findings and Recommendation on November 14, 2022, in which he recommends that the Court grant Defendants Shah and Weigand's motion to dismiss for failure to state a claim without prejudice, deny Defendants Wellpath and Ronan's motion to dismiss for failure to state a claim, and deny Defendant Weigand's motion to dismiss based on untimely service. F&R, ECF 56. The matter is now before the Court pursuant to 28 U.S.C. § 636(b)(1)(B) and Federal Rule of Civil Procedure 72(b).

Because no objections to the Magistrate Judge's Findings and Recommendation were timely filed, the Court is relieved of its obligation to review the record *de novo*. *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003) (en banc); *see also United States v. Bernhardt*, 840 F.2d 1441, 1444 (9th Cir. 1988) (*de novo* review required only for portions of Magistrate Judge's report to which objections have been made). Having reviewed the legal principles *de novo*, the Court finds no error.

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**CONCLUSION**

The Court ADOPTS Magistrate Judge Hallman's Findings and Recommendation [56]. Accordingly, Defendants Wellpath and Ronan's motion to dismiss for failure to state a claim [44] is DENIED. Defendant Weigand's motion to dismiss for untimely service [44] is DENIED. Defendants Shah and Weigand's motion to dismiss for failure to state a claim [44] is GRANTED. Plaintiff may file an amended complaint within 30 days of the date of entry of this Order.

IT IS SO ORDERED.

DATED: December 30, 2022.



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MARCO A. HERNÁNDEZ  
United States District Judge